

EAST AYRSHIRE COUNCIL

COMMUNITY SERVICES COMMITTEE

Minutes of meeting held on Tuesday 7 November 1995 at 1400 hrs in London Road Centre, Kilmarnock

PRESENT: Councillors J Smith (Chair); A Campbell, J Carmichael, G Cree, J Darnbrough, T Farrell, K Hall (for items 1-4 [part]), G McCredie, A McIntyre, D Macrae, K Nicoll, G Smith, D Sneller (for items 1-3) and R Taylor.

ATTENDING: D Montgomery, Chief Executive; W Stafford, Director of Community Services; D Campbell, for the Director of Support Services and G Fraser and A Fairbairn, Chief Executive's Department.

APOLOGIES: Councillor R Beattie.

1. MINUTE OF THE COMMUNITY SERVICES COMMITTEE OF 26 SEPTEMBER 1995

The minutes of the previous meeting were submitted and noted.

2. SCOTTISH ENVIRONMENT PROTECTION AGENCY

There was submitted a report (issued) by the Director of Community Services to advise members of the appointments to the Board of the Scottish Environment Protection Agency.

Having heard the Director indicate that the main Board of the Scottish Environment Protection Agency was announced on 5 October 1995, and comprised 10 members plus a Chairman and Chief Executive, it was agreed to note the terms of the report.

3. ISSUES ARISING FROM DECEMBER 1994 FLOODS

In terms of standing order number ten to vary the order of business, reference was made to the meeting of 26 September 1995, when discussion had taken place regarding the December 1994 floods.

On that matter, there was submitted a report (issued) by the Director of Community Services which provided information and detailed the conclusions of the Regional Council's Water Services Department and outlined particular developments.

The report also contained two Appendices:

- (a) listing the flood locations in East Ayrshire (excluding agricultural land) notified to the Water Services Department, along with the Department's suggested reasons for the flooding which took place in each location; and
- (b) showing road closures reported by Strathclyde Police

Having heard the Director in explanation and following the Chair moving the recommendations contained within the report, seconded by Councillor McIntyre, Councillor McCredie, seconded by Councillor Campbell, moved an amendment that the establishment of a National River Board be sought to address the problems of flooding and the responsibility for addressing the issue. Following a vote, the motion was carried by 9 votes to 4 and after members' questions it was agreed:

- (i) that the Director of Community Service should consult with Kilmarnock and Loudoun District Council and pursue with Strathclyde Regional Council the expediting of the consultant study referred to in paragraph 4.4 of the report.
- (ii) that the Scottish Office be informed of the Council's concern regarding the fragmented and generally weak nature of flood alleviation legislation in Scotland in comparison to the system operating in England and Wales and request the Scottish Office to make funds available to carry out suitable flood prevention work; and
- (iii) to note that the taking forward of the outcomes of the consultants study would be with the Development Services Committee and the Director of Development Services.

4. STRATHCLYDE POLICE - AN OVERVIEW

There was submitted a report (issued) by the Director of Community Services to advise members of a document entitled "Strathclyde Police - an Overview" which was recently issued by the Chief Constable.

The document gave an insight into the discharge of the Police function within Strathclyde and highlighted the wide range of work undertaken by the Police. It also set out the aims and objectives of the Force.

The Committee received a presentation from Assistant Chief Constable Ian McKinnon of Strathclyde Police who expanded on the information contained within the document.

Councillor McCredie, seconded by Councillor Nicoll, moved that the Committee write to the Chief Constable requesting an increase in the complement of police officers in the East Ayrshire Council area. Thereafter, noting the Assistant Chief Constable's earlier verbal report that a further increase in the Strathclyde Force, beyond the levels in the document circulated, had been agreed and was in the process of being implemented, Councillor Smith moved an amendment seconded by Councillor Farrell that the recommendations contained within the report be accepted and, following a vote, the amendment was agreed by 9 votes to 3.

5. METRICATION OF UNITS OF MEASUREMENT OF FOOD AND NON-FOODS

There was submitted a report (issued) by the Director of Community Services to advise Committee of The Units of Measurement Regulation 1995 which came into force on 1 October 1995 and the implications for the Council and the business community.

Having heard the Director in explanation and answer to members' questions it was agreed to note the terms of the report.

6. CONSUMER AND TRADING STANDARDS

(a) CONSUMER AND TRADING STANDARDS DEPARTMENT, STRATHCLYDE REGIONAL COUNCIL - ANNUAL REPORT 1994/95

There was submitted a report (issued) by the Director of Community Services to inform members of the publication of the annual report for 1994/95 of the Consumer and Trading Standards Department, Strathclyde Regional Council and to summarise the salient points contained within the report.

Having heard the Director in explanation and in answer to members' questions it was agreed to note the terms of the report.

(b) JOINT WORKING ARRANGEMENTS

There was submitted an interim report by the Director of Community Services to advise members of the discussions which had taken place on possible joint working arrangements among the three Ayrshire Authorities in relation to the Consumer and Trading Standards Service.

The interim report made reference to the appraisal of the existing service which had been carried out to determine the issues which faced the service as a result of the restructuring of Local Government.

In addition the report highlighted the future arrangements in relation to:

- (i) addressing the shortage of specialist equipment;
- (b) networking of information through information technology systems; and
- (c) addressing any potential shortage of specialist staff.

Having heard the Director in explanation and in answer to members' questions it was agreed to endorse the ongoing discussions with the other Ayrshire Authorities and City of Glasgow Council.

7. EMERGENCY PLANNING

There was submitted an interim report (issued) by the Director of Community Services to consider future arrangements for the delivery of Emergency Planning function and to outline inter-authority discussions which had taken place.

Having heard the Director in explanation and in answer to members' questions it was agreed:

- (a) to endorse the action already taken;
- (b) to authorise the Director of Community Services to continue with the ongoing discussions with the other two Ayrshire Authorities and Strathclyde Police; and
- (c) to instruct the Director of Community Services to make appropriate representation to the Scottish Office on the distribution of grant for emergency planning purposes.

8. DECENTRALISATION

There was submitted a report (issued) by the Director of Community Services to advise the Committee on interim proposals for the decentralisation of services within the Department of Community Services.

The report made reference to discussions and advised that the content involved initial proposals which reflect the first stage in the process and which would require to be flexible enough to accommodate any policy decisions subsequently made by the Council.

The proposals for the functions detailed below were then highlighted:

- (a) consumer and trading standards;
- (b) environmental health and waste management;
- (c) bereavement services;
- (d) leisure and recreation, cultural services and arts and entertainment;
- (e) registration; and
- (f) Licensing (Civic Government and miscellaneous).

Having heard the Director it was agreed to support the proposals and to accept a further report on the Registration Service at the next meeting.

9. PROVISION OF SCIENTIFIC SERVICES

There was submitted an interim report (issued) by the Director of Community Services to consider future arrangements for the provision of chemist and analytical services and to outline the inter-authority discussions which had taken place.

The report indicated the legislative background and the background in respect of the provision of chemist and analytical services and included reference to future possible joint arrangements.

Having heard the Director it was agreed:

- (a) to endorse the action already taken;
- (b) to authorise the Director of Community Services to continue to participate in the working group until a satisfactory conclusion is reached; and
- (c) to seek a further report in due course on the arrangements and future provision of scientific services.

10. ARCHIVES

There was submitted a report (issued) by the Director of Community Services to advise members of proposals for the future management and maintenance of Local Authority records (Archives) in Ayrshire and to outline inter-authority discussions on the matter.

The Director referred to:

- (a) the background with particular reference to the legislation in respect of this service;
- (b) the current situation; and

- (c) future arrangements which the Working Group had agreed to the effect that the preferred option would be that one authority would manage all records through the formation of an archival team operating on the basis of moving among the authorities in order that each of the three authorities could retain their own records in their own location. Arrangement with the City of Glasgow Council for the disaggregation of Strathclyde Records would also be required.

Following members' questions it was agreed:

- (i) that the proposed action be undertaken; and
- (ii) to authorise the Director to undertake consultations with the Keeper of Records in Scotland.

11. WASTE MANAGEMENT LICENSING

There was submitted a report (issued) by the Director of Community Services to advise of the Waste Management Licensing (Fees and Charges) Scheme 1995 and the effect of the scheme on facilities within East Ayrshire.

The report made reference to the financial legislation and detailed the facilities operated by both Cumnock and Doon Valley District Council and Kilmarnock and Loudoun District Council and their attendant subsistence fee.

Having heard the Director in explanation and in answer to members' questions it was agreed to instruct the Director of Community Services to include the appropriate sum of £14,635 in the revenue budget for waste disposal.

12. RIDING ESTABLISHMENTS ACTS 1964 AND 1970 - LICENSING OF HORSE RIDING ESTABLISHMENTS

There was submitted a report (issued) by the Director of Community Services to identify proposals for harmonising the licensing functions operated by the existing District Councils.

Having heard the Director it was agreed that:

- (a) the fee for a licence renewal be £135 effective from 1 April 1996 and any additional expense for veterinary inspection be rechargeable to the applicant;
- (b) the standard conditions contained in the Appendix to the report be attached to each licence;
- (c) as soon as practicable after 1 April 1996, each existing licence holder be advised in writing that East Ayrshire Council were now the licensing authority, and that the standard conditions would apply on renewal of the licence. The conditions would apply immediately in respect of all new applications; and
- (d) the fees in respect of this licence should be reviewed on an annual basis.

13. LICENSING OF DANGEROUS WILD ANIMALS

There was submitted a report (issued) by the Director of Community Services to identify proposals for harmonising the licensing functions operated by the existing District Councils.

Having heard the Director in explanation and in answer to members' questions it was agreed:

- (a) that the fee for a licence or renewal of a licence be £161 effective from 1 April 1996 and any additional expense for veterinary inspection, be rechargeable to the applicant;
- (b) that the standard conditions contained in the Appendix to the report be attached to each licence, with additional specific conditions as deemed necessary;
- (c) that as soon as practicable after 1 April 1996, each existing licence holder be advised in writing that East Ayrshire Council were now the licensing authority and the standard conditions would apply on renewal of the licence. The condition will apply immediately in respect of all new applications; and
- (d) that the fees in respect of this licence should be reviewed on an annual basis.

14. LICENSING OF PET SHOPS

There was submitted a report (issued) by the Director of Community Services to identify proposals for harmonising the licensing functions operated by the existing District Councils.

Having heard the Director in explanation and in answer to members' services it was agreed:

- (a) that the fee for a licence or renewal of a licence be £50, effective from 1 April 1996 and any additional expense for veterinary inspection, if required, being chargeable to the applicant;
- (b) that the standard conditions contained in the Appendix to the report be attached to each licence;
- (c) that as soon as practicable after 1 April 1996, each existing licence holder be advised in writing that East Ayrshire were now the licensing authority, and the standard conditions would apply on renewal of the licence, the standard conditions will apply immediately in respect of all new applications; and
- (d) that the fees in respect of this licence should be renewed on an annual basis.

15. LICENSING OF DOG BREEDING ESTABLISHMENTS

There was submitted a report (issued) by the Director of Community Services to identify proposals for harmonising the licensing functions operated by the existing District Councils.

Having heard the Director in explanation and answer to members' questions it was agreed:

- (a) that the fee for a licence or renewal of licence be £50, effective from 1 April 1996 and any additional expense for veterinary inspection, if required, being chargeable to the applicant;
- (b) that the standard conditions contained in the Appendix to the report be attached to each licence;

- (c) that as soon as practicable after 1 April 1996 each existing licence holder be advised in writing that East Ayrshire were now the licensing authority and the standard conditions would apply on renewal of the licence, the conditions to apply immediately in respect of all new applications; and
- (d) that the fees in respect of this licence should be reviewed on an annual basis.

16. CIVIC GOVERNMENT (SCOTLAND) ACT 1982

(a) LICENSING OF SECOND HAND CAR DEALERS

There was submitted a report (issued) by the Director of Community Services to identify proposals for harmonising the licensing functions operated by the existing District Councils.

Having heard the Director it was agreed:

- (i) that the fee for a licence or renewal of a licence be £150, effective from 1 April 1996;
- (ii) that the conditions contained in the Appendix to the report be attached to each licence;
- (iii) that as soon as practicable after 1 April 1996, each existing licence holder be advised in writing that East Ayrshire Council were now the licensing authority, and the standard conditions would apply on renewal of the licence, the conditions will apply immediately in respect of all new applications; and
- (iv) that the fees in respect of this licence should be renewed on an annual basis.

(b) LICENSING OF LATE HOURS CATERING ESTABLISHMENTS

There was submitted a report (issued) by the Director of Community Services to identify proposals for harmonising the licensing functions operated by the existing District Councils.

Having heard the Director it was agreed:

- (i) that the fee for a licence or renewal of a licence be £93, effective from 1 April 1996;
- (ii) that the standard conditions contained in the Appendix to the report be attached to each licence;
- (iii) that as soon as practicable after 1 April 1996, each existing licence holder be advised in writing that East Ayrshire Council were now the licensing authority, and the standard conditions would apply on renewal of the licence, the conditions will apply immediately in respect of all new applications; and
- (iv) that the fees in respect of this licence should be renewed on an annual basis.

(c) LICENSING OF STREET TRADERS

There was submitted a report (issued) by the Director of Community Services to identify proposals for harmonising the licensing functions operated by the existing District Councils.

Having heard the Director it was agreed:

- (i) that the fee for a licence or renewal of a licence be £93 and that for an employee's licence be £39, effective from 1 April 1996;
- (ii) that in the interests of the preservation of public order, the areas of trade be zoned into the two former District Council areas, and all new existing licences be endorsed to that effect;
- (iii) that the standard conditions contained in the Appendix to the report be attached to each licence;
- (iv) that as soon as practicable after 1 April 1996, each existing licence holder be advised in writing that East Ayrshire Council were now the licensing authority, and the standard conditions would apply on renewal of the licence, the conditions will apply immediately in respect of all new applications; and
- (v) that the fees in respect of this licence should be renewed on an annual basis.

(d) LICENSING OF MARKET OPERATORS

There was submitted a report (issued) by the Director of Community Services to identify proposals for harmonising the licensing functions operated by the existing District Councils.

Having heard the Director in explanation and in answer to members' questions it was agreed:

- (a) that the fee for a licence or renewal of a licence be £10 per stall with a minimum fee of £200 effective from 1 April 1996 in the former Kilmarnock and Loudoun area and £100 in the former Cumnock and Doon Valley area. From 1 April 1997 the Cumnock and Doon Valley area fee would rise to £150 and on 1 April 1998 £200 plus adjustment for inflation;
- (b) that the standard conditions contained in the Appendix to the report be attached to each licence;
- (c) that as soon as practicable after 1 April 1996, each existing licence holder be advised in writing that East Ayrshire Council were now the licensing authority, and the standard conditions would apply on renewal of the licence, the conditions will apply immediately in respect of all new applications; and
- (d) that the fees in respect of this licence should be renewed on an annual basis.

(e) LICENSING OF METAL DEALERS

There was submitted a report (issued) by the Director of Community Services to identify proposals for harmonising the licensing functions operated by the existing District Councils.

Having heard the Director it was agreed:

- (a) that the fee for a licence or renewal of a licence be £100 and that for an exemption warrant be £20, both effective from 1 April 1996;
- (b) that the standard conditions contained in the Appendix to the report be attached to each licence;
- (c) that as soon as practicable after 1 April 1996, each existing licence holder be advised in writing that East Ayrshire Council were now the licensing authority,

and the standard conditions would apply on renewal of the licence, the conditions will apply immediately in respect of all new applications; and

- (d) that the fees in respect of this licence should be renewed on an annual basis.

17. LICENSING OF ANIMAL BOARDING ESTABLISHMENTS

There was submitted a report (issued) by the Director of Community Services to identify proposals for harmonising the licensing functions operated by the existing District Councils.

Having heard the Director refer to the proposed conditions attached as an Appendix to the report it was agreed:

- (a) that the fee for a licence or renewal of a licence be £50.00, effective from 1 April 1996, any additional expense for veterinary inspection, if requested, being chargeable to the applicant;
- (b) that the standard conditions contained in the Appendix to the report be attached to each licence;
- (c) that as soon as practicable after 1 April 1996, each existing licence holder be advised in writing that East Ayrshire Council were now the licensing authority, and the standard conditions would apply on renewal of the licence, the conditions will apply immediately in respect of all new applications; and
- (d) that the fees in respect of this licence should be renewed on an annual basis.

18. ANIMAL HEALTH

There was submitted a report (issued) by the Director of Community Services to consider the future arrangements for the enforcement of the Animal Health Act 1981.

The report highlighted the present arrangements which ensure that the Animal Health Act 1981 was enforced by Strathclyde Police on behalf of the Regional Council.

Having heard the Director in explanation and in answer to members' questions it was agreed:

- (a) to endorse the action already taken; and
- (b) to authorise the Director of Community Services to take the appropriate action to ensure that suitable arrangements were made to discharge this function.

19. LICENSING OF CINEMAS

There was submitted a report (issued) by the Director of Community Services to identify proposals for harmonising the licensing functions operated by the existing District Councils.

Having heard the Director in explanation and in answer to members' questions it was agreed:

- (a) that fees currently charged by Kilmarnock and Loudoun District Council as detailed in the report be adopted with effect from 1 April 1996;
- (b) that the standard conditions contained in the Appendix to the report be attached to each licence;
- (c) that as soon as practicable after 1 April 1996, each existing licence holder be advised in writing that East Ayrshire Council were now the licensing authority, and that the standard conditions would apply on renewal of the licence, the condition to apply immediately in respect of all new applications;
- (d) that the fees in respect of the licence should be renewed on an annual basis; and
- (e) that the Director of Community Services write to Cannon Cinemas to encourage the provision of appropriate disabled access in the Cannon Cinema, Titchfield Street, Kilmarnock, and report back further.

20. LICENSING OF PREMISES FOR THE PERFORMANCE OF PLAYS

There was submitted a report (issued) by the Director of Community Services to identify proposals for harmonising the licensing functions operated by the existing District Councils.

Having heard the Director in explanation and in answer to members' questions it was agreed:

- (a) that the fees currently charged by Kilmarnock and Loudoun District Council as detailed (see Appendix 1) in the report be adopted with effect from 1 April 1996;
- (b) that the standard conditions contained as the Appendix to the report be attached to each licence;
- (c) that as soon as practicable after 1 April 1996, each existing licence holder be advised in writing that East Ayrshire Council were now the licensing authority, and the standard conditions would apply on renewal of the licence, the conditions to apply immediately in respect of all new applications; and
- (d) the fees in respect of the licence should be reviewed on an annual basis.

LICENSING OF PREMISES FOR THE PERFORMANCE OF PLANS

APPENDIX 1

(i)	Fee (annual)	£155.00
(ii)	Licence for specified period exceeding 3 months and 3 weeks	£ 62.00
(iii)	Licence for specified period of less than 3 months and 3 weeks	
(a)	for each complete month or part of a month exceeding 3 weeks; and	£ 15.00
(b)	for each complete week or part of a week not taken into account in (a) above	£ 4.00
(iv)	Occasional licence	
(a)	for particular occasions falling on not more than 7 different days	£ 4.00
(b)	for particular occasions falling on more than 7 different days	The amount that would have been payable if the application were for a licence for a specified period (as in (iii) above) equal to the aggregate number of days on which the particular occasions fall.
(v)	Transfer of Licence	£15 (except that the fee shall not exceed the fee that would be payable if the application were for the grant of a licence for the rest of the period for which the licence is in force).